

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAMES WESLEY VAUGHN, JR.,

Defendant.

Case No: CR 12-495 (25) SBA

ORDER ACCEPTING REPORT AND RECOMMENDATION REGARDING GUILTY PLEA

JAMES WESLEY VAUGHN, JR.,

Defendant.

On May 3, 2016, the Court granted the parties' stipulation to refer this matter to Magistrate Judge Kandis A. Westmore ("the magistrate") for entry of a guilty plea. Dkt. 1115, 1116. On June 28, 2016, the Defendant appeared before the magistrate, and, with the assistance of counsel, waived his right to enter a guilty plea before a district judge and instead consented to enter his plea in a hearing before the magistrate. Dkt. 1157. The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal Procedure 11. *Id.* After receiving the advisements set forth in Rule 11, the Defendant entered a guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written amended plea agreement to Count Twenty-Four of the Indictment, charging him with Possession with Intent to Distribute Heroin, 21 U.S.C. §841(a)(1) and 841(b)(1)(C). *Id.* The magistrate found that Defendant was fully competent and capable of entering an informed plea, that he was aware of the nature of the charge and the consequences of the guilty plea, and that the guilty plea was knowing and voluntary and supported by an independent factual basis. *Id.*

On July 25, 2016, the magistrate issued a Report and Recommendation Regarding Guilty Plea in which she recommends that this Court accept Defendant's guilty plea. Dkt.

1 1157. The Report and Recommendation advises the parties that they may serve and file
2 specific written objections to the order within fourteen days after being served with a copy
3 of the order. Id. No written objection to the Report and Recommendation was filed prior
4 to the hearing. At the September 14, 2016, sentencing hearing in this matter, the parties
5 indicated that they have no objection to the Report and Recommendation. Accordingly,

6 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
7 (Dkt. 1157) is ACCEPTED, the Defendant's guilty plea is accepted, and the magistrate's
8 Report and Recommendation shall become the order of this Court.

9 IT IS SO ORDERED.

10 Dated: 9/14/16


11 SAUNDRA BROWN ARMSTRONG
12 Senior United States District Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28